

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

MICHAEL THOMPSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:14cv274-NBB-SAA

CALVIN HAMP, in his individual capacity;
JAMES JONES, in his individual capacity;
and UNKNOWN DEFENDANTS
“A”, “B” AND “C”

DEFENDANTS

DEFENDANT JAMES JONES' and DEFENDANT CALVIN HAMP'S
THIRD MOTION IN LIMINE TO EXCLUDE TESTIMONY
OF RISING BLOOD PRESSURE

COMES NOW, Defendants, and each of them, in the above referenced cause and files this
Third Motion In Limine, to wit;

1) The Plaintiff has indicated an intent to offer into evidence or testimony claiming that his blood pressure was elevated by this event, or that some permanent condition related to increased blood pressure was caused by the incident alleged within the Complaint.

2) Federal Rule of Evidence 802, prohibits hearsay testimony, blood pressure is read through a meter which is interpreted by a medical professional and charted. The Plaintiff has not indicated that he personally performed any of these steps himself, and all of these steps involve an element hearsay.

3) Any testimony that the Plaintiff suffered a blood pressure condition related to this incident, particularly given his prior history of high blood pressure, is subject to FRE Rules 701-703. This evidence of any causal relationship between blood pressure levels and the event is expert witness testimony which the Plaintiff has not disclosed through an expert, and is not qualified to testify to himself.

4) Federal Rule of Evidence 403 excludes even relevant evidence when such evidence may result in confusion, prejudice or waste of time. To allow the Plaintiff to testify to high blood pressure would mislead the jury and confuse issues.

WHEREFORE PREMISES CONSIDERED For the foregoing reasons, the Defendant, moves this Court to order that the Plaintiffs, Plaintiffs' counsel and any witnesses be ordered not to testify to the jury that he had high blood pressure or that it was caused by the events alleged within the Complaint.

RESPECTFULLY SUBMITTED, this the 13th day of March, 2017.

**CALVIN HAMP AND
JAMES JONES, DEFENDANTS**

By: /s/ Michael J. Wolf
Michael J. Wolf

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, the undersigned attorney for Defendant, do hereby certify that I have this day filed and caused to be sent to all counsel of record, a true and correct copy of the foregoing document via the ECF system.

This the 13th day of March, 2017.

/s/ Michael J. Wolf

Michael J. Wolf